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10/731,322	12/05/2003	Subhash Chopra	9637-000077	5054

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EXAMINER	
THAI, HANH B	

ART UNIT	PAPER NUMBER
2163	

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/731,322

Applicant(s)

CHOPRA ET AL.

Examiner

Hanh B. Thai

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 8/8/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is in response to RCE and amendment filed on August 8, 2007. Claims 47-50 are newly added. Claims 1-50 are pending in this application.

#### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-50 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Ulrich (US 6,895,438 B1).

Regarding claim 1, Ulrich discloses a communications management apparatus, comprising a networked computing means on which is provided:

- a translation agent (element 14, Fig.1) with access to usage data of a plurality of communications resources (col.3, lines 14-28; col.4, lines 59-67 and col.7, lines 17-55, Ulrich discloses telephone, email corresponding to "communication resources");
- a database (element 40, Fig.1) accessible to the translation agent and including data in a system-specific format to assist the translation agent to convert this to a common format (col.6, lines 52-67 and col.8, lines 5-10, Ulrich discloses converting various message types to durations: time-based format); and

- a processing agent (element 16, Fig.1), wherein said translation agent is arranged to consolidate the usage data of said plurality of communications resources by consulting said database and converting system-specific data to data having said common format (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-10, Ulrich); and

- said processing agent is arranged to infer a duration for a communication event that does not have a recorded duration (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 2, Ulrich discloses wherein the processing agent is arranged to infer a duration for a communication event that does not have a recorded duration with reference to time per byte of data transmitted (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 3, Ulrich discloses wherein the processing agent is arranged to infer a duration for a communication event that does not have a recorded duration with reference to a defined time for any data transmission (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 4, Ulrich discloses wherein the processing agent is arranged to infer a duration for a communication event that does not have a recorded duration with reference to a defined time per byte of data transmitted up to a defined maximum (col.10, lines 13-34, Ulrich).

Regarding claim 5, Ulrich discloses wherein the processing agent retains staff cost data for conversion of duration into staff costs (col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 6, Ulrich discloses wherein the processing agent includes a plurality of staff cost data for a plurality of staff grades (abstract and col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 7, Ulrich discloses wherein the processing agent includes a plurality of staff cost data for a plurality of dates (col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 8, Ulrich discloses wherein the processing agent includes a plurality of staff cost data for times of the day (col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 9, Ulrich discloses wherein the processing agent includes a plurality of staff cost data for days of the week (col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 10, Ulrich discloses wherein the processing agent retains transmission cost data for conversion of duration into a transmission cost (abstract and col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 11, Ulrich discloses wherein the processing agent retains transmission cost data for conversion of size measurements into transmission cost (abstract and col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 12, Ulrich discloses wherein the processing agent includes a plurality of transmission cost data for a plurality of different destinations (col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 13, Ulrich discloses wherein the processing agent includes a plurality of transmission cost data for a plurality of different media (col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 14, Ulrich discloses wherein the processing agent includes a plurality of transmission cost data for a plurality of different routes (col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 15, Ulrich discloses wherein the processing agent includes a plurality of transmission cost data for a plurality of different dates (col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 16, Ulrich discloses wherein the processing agent includes a plurality of transmission cost data for a plurality of different times of the day and days of the week (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 17, Ulrich discloses wherein the processing agent retains infrastructure cost data for conversion of duration into infrastructure cost (abstract and col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 18, Ulrich discloses wherein the processing agent retains infrastructure cost data for conversion of size measurements into infrastructure cost (abstract and col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 19, Ulrich discloses wherein the processing agent includes a plurality of infrastructure cost data for a plurality of different infrastructure types (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 20, Ulrich discloses wherein the processing agent includes a plurality of infrastructure cost data for a plurality of different locations (col.3, line 44 to col.4, line 2 and col.9, lines 51-65, Ulrich).

Regarding claim 21, Ulrich discloses wherein the processing agent includes a plurality of infrastructure cost data for a plurality of different routes (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 22, Ulrich discloses wherein the processing agent includes a plurality of infrastructure cost data for a plurality of different dates (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 23, Ulrich discloses wherein the processing agent includes a plurality of infrastructure cost data for a plurality of different times of the day (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 24, Ulrich discloses wherein the processing agent includes a plurality of infrastructure cost data for different days of the week (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 25, Ulrich discloses a method of managing communications by determining costs associated with the use of communications resources, comprising the steps of: accessing usage data from a plurality of communications resources (col.3, lines 14-28; col.4, lines 59-67 and col.7, lines 17-55, Ulrich discloses telephone, email corresponding to “communication resources”); consolidating said usage data from system-specific formats to a common format; costing communication events that have a recorded duration (col.6, lines 52-67 and col.8, lines 5-10, Ulrich discloses converting various message types to durations: time-based format); inferring a duration for communication events that do not have a recorded duration; and inferring costs for communication events that do not have a recorded duration (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 26, Ulrich discloses wherein costs for communication events that do not have a recorded duration are inferred with reference to time per byte of data transmitted (col.10, lines 13-34, Ulrich).

Regarding claim 27, Ulrich discloses wherein the costs for communication events that do not have a recorded duration are inferred with reference to a defined time for any data transmission (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 28, Ulrich discloses wherein the costs for communication events that do not have a recorded duration are inferred with reference to a defined time per byte of data transmitted up to a defined maximum (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 29, Ulrich discloses wherein staff cost data is retained for the conversion of duration into staff costs (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 30, Ulrich discloses wherein transmission cost data is retained for the conversion of duration into transmission costs (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claims 31 and 39, Ulrich discloses a communications management apparatus, comprising a networked computing means on which is provided:  
a translation agent (element 14, Fig.1) with access to usage data of a plurality of communications resources (col.3, lines 14-28; col.4, lines 59-67 and col.7, lines 17-55, Ulrich discloses telephone, email corresponding to "communication resources"); a database accessible to the translation agent and including data in a system-specific format to assist the translation agent to convert this to a common format (col.6, lines 52-67 and col.8, lines 5-10, Ulrich discloses converting various



message types to durations: time-based format); and a processing agent, wherein said translation agent is arranged to consolidate the usage data of said plurality of communications resources by consulting said database and converting system-specific data to data having said common format (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-10, Ulrich); and said processing agent is arranged to identify unknown addresses present in the usage data but not contained in the database so as to mark unidentified addresses for identification (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claims 32 and 40, Ulrich discloses wherein the processing agent causes a message to be sent where such an unknown address is detected a number of times above a pre-set threshold (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claims 33 and 41, Ulrich discloses wherein said threshold is defined as a pre-set number of occurrences within a pre-set time interval (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claims 34-35 and 42, Ulrich discloses wherein said message is sent to an address local to the networked computing means and associated with the communications event in which the unknown address was detected (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 36, Ulrich discloses wherein said local address is one correlated with the local address included in the communications event but associated with a different communications channel (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 37, Ulrich discloses wherein said message is sent via email 9col.4, lines 59-66, Ulrich).

Regarding claim 38, Ulrich discloses wherein said email message includes a link to a web page adapted to accept identifying information for the unknown address and to update the database accordingly (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 43, Ulrich discloses wherein said local address is one included in the communications event (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 44, Ulrich discloses wherein said local address is one correlated with the local address included in the communications event but associated with a different communications channel (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 45, Ulrich discloses wherein said message is sent by email (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 46, Ulrich discloses wherein said email message includes a link to a web page adapted to accept identifying information for the unknown address and to update the database accordingly (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 47, Ulrich discloses a communications management apparatus, comprising a networked computing means on which is provided:  
a translation agent with access to usage data of a plurality of communications resources (col.3, lines 14-28; col.4, lines 59-67 and col.7, lines 17-55, Ulrich discloses telephone, email corresponding to "communication resources"); a database accessible to the translation agent and including data in a system-specific format to assist the translation agent to convert this to a common format (col.6, lines 52-67 and col.8, lines 5-67, Ulrich discloses converting various message types to durations: time-based format); and a processing agent, wherein said translation agent is arranged to consolidate the usage data of said plurality of communications resources by

consulting said database and converting system-specific data to data having said common format (col.6, lines 52-67 and col.8, lines 5-67, Ulrich discloses converting various message types to durations: time-based format); and said processing agent is arranged to infer a duration for a text-based message (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 48, Ulrich discloses wherein said text-based message comprises email data (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 49, Ulrich discloses wherein said text-based message comprises web data (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-67, Ulrich).

Regarding claim 50, Ulrich discloses a communications management apparatus, comprising a networked computing means on which is provided:  
a translation agent with access to usage data of a plurality of communications resources (col.3, lines 14-28; col.4, lines 59-67 and col.7, lines 17-55, Ulrich discloses telephone, email corresponding to "communication resources"); a database accessible to the translation agent and including data in a system-specific format to assist the translation agent to convert this to a common format (col.6, lines 52-67 and col.8, lines 5-67, Ulrich discloses converting various message types to durations: time-based format); and a processing agent, wherein said translation agent is arranged to consolidate the usage data of said plurality of communications resources by consulting said database and converting system-specific data to data having said common format (col.6, lines 52-67; col.7, lines 17-55 and col.8, lines 5-10, Ulrich); and said processing agent is arranged to infer a duration for a communication event that does not have a recorded duration so as to calculate costs for communications events (abstract and col.3, line 44 to col.4, line 2 and

col.9, lines 51-65, Ulrich).

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berstis (US Pub. 2005/0192906 A1) discloses methods and systems for performing horological functions in commercial transactions using time cells.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The examiner can normally be reached on Mon-Thur (7:00AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

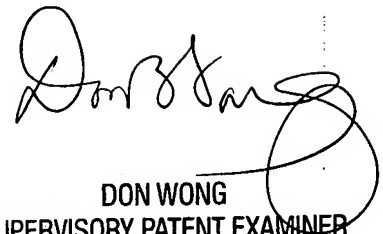
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Examiner  
Art Unit 2163

December 14, 2007



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